Proposed
Workgroup Product
Approval Process

Introduction:

Staff members from the Office of HIPAA Implementation (OHI) have reviewed the issue resolution process that currently exists for the HIPAA Sub-Workgroups. We would like to propose some additional steps to ensure all members of the Statewide Workgroup have an opportunity to provide input.

Current Process:

Currently, a product is developed, reviewed, and edited within a Sub-Workgroup. The product is then placed on the Department of Mental Health website for a 45 day review period. Infrequent, if any, comments are received from that website. However, many people visit that site. Ken McKinstry, Statewide Workgroup Chair, stated that about 1 out of 5 members have visited the Issues Web Site.

OHI will return the product back to the Sub-Workgroup for inclusion into the document if any comments are received. The product then returns to the website for another 45 days. After 45 days on the website without comment, the document is considered ready to forward to OHI for adoption.

Issues with this process:

An informal survey indicated that participants in the Sub-Workgroups do not generally have delegated authority from their departments/organizations to provide final approval of products. Most members of the Sub-Workgroups and the Statewide Workgroup believe that obtaining or requiring departmental sign-off or deputy director level approval of products in the process would significantly delay the number of final products reaching the website. Work group members indicated that they did not process the products through their department/organization for approval.

The Statewide Workgroup does not receive final products from the Sub-Workgroups either through email or at the meetings. This group has been advised of the website review process available, however there is no formal review and approval of the final products by all Workgroup members.

Recommended Process Changes

Sub-Workgroup Products to Statewide Workgroup

1. Final draft Sub-Workgroup products will be emailed out to members on the existing Statewide Workgroup email list.

2. The products will be reviewed and discussed at the Statewide Workgroup meeting. This will allow every member an opportunity to provide input/comments. It also will assure that a product from one group does not conflict with a product from another group.

3. The product will be forwarded to OHI for processing.

OHI Review

4. After receipt of a product, OHI will do a review to assure that the product:
   - Takes into consideration all factors of the federal regulations.
   - Is generic in nature and not necessarily targeted too narrowly, such as for one program or one department.
   - Reflects any standards, policies or guidelines already issued by OHI.
   - Fits into the context of existing policies, if appropriate.
   - Clearly indicates which factors in the product are mandated versus those that are optional.
   - Is consistent with the overall approach to HIPAA implementation in California.

Product Approvals

5. OHI will seek departmental/state entity and agency approvals after the Statewide Workgroup submits products to OHI for review.

   - OHI will determine the level of approval required prior to distribution (e.g., need HHSA or Advisory Group approval?)
   - OHI will forward the final draft products to the HIPAA coordinators identified in the HIPAA Assessment questionnaire to obtain approval. Impacted entities/departments will have ten (10) business days to provide comments to OHI. If no comments are received within the ten days, OHI will assume that the impacted entity/department has no comments.
   - OHI will review the comments and make a determination as to whether the comments are generic or entity specific. If generic, OHI will consider the issue/revision and if the change is to be made, return the product to the Workgroup for further analysis.

- If the comments are entity specific, OHI will contact the commenter and discuss the issue and let the entity know that their comment will/will not be considered and why.

This process will not stop the production of work by the Sub-Workgroups, and will allow for a different approach to seeking approval.

6. OHI will return the products to the Statewide Workgroup coordinator and to the Sub-Workgroup leaders if follow-up analysis is required.
   - In cases where the changes are minimal, OHI will make the necessary changes and inform the Statewide Workgroup coordinator and Sub-Workgroup leaders of the changes.

Product Distribution

7. Final products will be posted on the OHI website, and released according to the OHI Communication plan. For example, products will be either: 1) emailed to all members of the Statewide Workgroup, and/or, 2) will be provided in hard copy.